THE PRESIDENT'S MESSAGE.

To the House of Representatives:

On the last day of the last session of Congress, a bill, entitled "An act to provide for continuing certain works in the Territory of Wisconsin, and for other purposes," which had passed both houses, was presented to me for my approval. I entertained insuperable objections to its becoming a law; but the system, is equally undefined in its meaning. It may short period of the session which remained, afforded me no sufficient opportunity to prepare my objections, and communicate them, with the bill, to the House of river which is to be found in any State in the Union. "for improving the navigation of James river." Representatives, in which it originated. For this reason, the bill was returned, and I deem it proper now to state my objections to it.

Although, from the title of the bill, it would seem that its main object was to make provision for continuing certain works already commenced in the Terri- numerous of public men seeking to gain popular fatory of Wisconsin, it appears, on examination of its provisions, that it contains only a single appropriation of six thousand dollars to be applied within that Territory, while it appropriates more than half a million of dollars for the improvement of numerous harbors several of the States of the Union.

At the preceding session of Congress, it became my duty to return, with my objections, to the house in which it originated, a bill making similar appropriations, and involving like principles; and the views then expressed remain unchanged.

ture of public money was proposed, were of imposing weight in determining upon its expediency. Congress had recognized the existence of war with Mexico, and to prosecute it to "a speedy and successful termination," had made appropriations exceeding our ordinary revenues. To meet the emergency, and provide for the expenses of the government, a loan of twenty-three millions of dollars was authorized at the same session, which has since been negotiated. would have been to add the whole amount appropriated by it to the national debt. It would, in fact, have ry of the treasury to borrow the money therein appropriated. The main question in that aspect is, whether it is wise, while all the means and credit of the government are needed to bring the existing war to an honorable close, to impair the one and endanger the other by borrowing money to be expended in a our own country, but of the civilized world? It is to precisely the same object? be apprehended that, by entering upon such a career | Giving the subject the most serious and candid conprovisions. Many millions would probably have been diction of the general government.

Maysville road bill, the Wabash river bill, and other lation and subserve the objects of private ambition. jurisdiction of the States; and rivers and harbors tinguished. alone open an abyss of expenditure sufficient to swal- In view of these portentous consequences, I cannot low up the wealth of the nation, and load it with a but think that this course of legislation should be ar-

ed on the country and entailed on posterity.

that of the United States, during the period that cates a process by which harbors and rivers within Congress exercised the power of appropriating the the States may be improved-a process not susceptible public money for internal improvements, is full of el- of the abuses necessary to flow from the assumption oquent warnings. It seems impossible, in the nature of the power to improve them by the general govern- people of the United States; and if applied to the of the subject, as connected with local representations, ment; just in its operation, and actually practiced purposes of improving harbors and rivers, it will be that the several objects presented for improvement upon, without complaint or interruption, during more partially distributed, and be expended for the advanshall be weighed according to their respective merits, than thirty years from the organization of the present tage of particular States, sections, localities, at the public money and increasing the power and patronand appropriations confined to those whose importance government. would justify a tax on the whole community to effect The constitution provides that "no State shall, By returning to the early and approved construction sion of even a limited power of Congress to improve others. Restraints were immediately laid on such

their accomplishment. ments have been projected, consisting of roads and ca- ties may be levied, collected and expended by the same time, all the really important improvements be lating interests by which these projects are in general dency of which was to destroy the Union itself, and nals, many of which, taken separately, were not of States. We are not left in the dark as to the objects made; and, as our experience has proved, be better gotten up. There cannot be a just and equal distrisufficient public importance to justify a tax on the en- of this reservation of power to the States. The sub- made, and at less cost than they would be by the bution of public burdens and benefits under such a had anticipated from the glorious revolution which tire population of the State to effect their construct ject was fully considered by the convention that framed agency of officers of the United States. The interests system; nor can the States be relieved from the dantion; and yet, by a combination of local interests, ope- the constitution. It appears, in Mr. Madison's re- benefitted by these improvements, too, would bear the ger of fatal encroachment, nor the United States from dilemma, or rather certain ruin, we were happily resrating on a majority of the Legislature, the whole port of the proceedings of that body, that one object cost of making them, upon the same principle that the equal danger of consolidation, otherwise than by cued by the adoption of the constitution. have been authorized, and the States plunged into of the reservation was, that the States should not be the expenses of the postoffice ablishment have alheavy debts. To an extent so ruinous has this sys- restrained from laying duties of tonnage for the pur- ways been defrayed by those who derive benefits from and practices which prevailed during the first thirty great revolution, was the complete abolition of this tem of legislation been carried in some portions of pose of clearing harbors. Other objects were named it. The power of appropriating money from the years of the government. the Union, that the people have found it necessary to in the debates; and among them, the support of sea- treasury for such improvements was not claimed or How forcibly does the history of this subject illus- by the constitution, as to commerce, into one commutheir own safety and prosperity, to forbid their Legis- men. Mr. Madison, treating on this subject in the exercised for more than thirty years after the organi- trate the tendency of power to concentration in the nity, equally in regard to foreign nations and each latures, by constitutional restrictions, to contract pub- Federalist, declares thatlic debts for such purposes without their immediate "The restraint on the power of the States over im- udmous construction was indicated, though it was not prove their own harbors and rivers was clearly re- us in both respects as one people. The duties and

where the systems of taxation are direct, and the re- tion of trade to the federal councils. It is needless, surveys. An act was made on the 3d of March, 1823, consent of Congress. For thirty-four years improve- the United States; and in the intercourse between the presentatives responsible at short periods to small therefore, to remark further on this head, than that masses of constituents, how much greater danger of the manner in which the restraint is qualified, seems abuse is to be apprehended in the general govern- well calculated at once to secure the States a reasonament, whose revenues are raised by indirect taxation, ble discretion in providing for the conveniency of and whose functionaries are responsible to the people their imports and exports, and to the United States a harbor of the port of Presqu'isle in Pennsylvania," light-houses or build piers without first purchasing all of a marked character, preceding the adoption of in larger masses and for longer terms!

Regarding only objects of improvement, of the na- tion." principle of this bill involves.

inlets, and rivers, equally entitled to appropriations live in Congress upon any abuse of the power which for their improvement with the objects embraced in the States may attempt

individuals or neighborhoods, combining against the from the organization of the government under the general interest, have involved their governments in present constitution. Many acts were passed by the debts and bankruptcy; and when the system prevail- several States levying duties of tonnage, and many ed in the general government, and was checked by were passed by Congress giving their consent to those President Jackson, it had begun to be considered the acts. Such acts have been passed by Massachusetts, highest merit in a member of Congres to be able to Rhode Island, Pennsylvania, Maryland, Virginia, procure appropriations of public money to be expend- North Carolina, South Carolina, and Georgia, and ed within his district or State, whatever might be have been sanctioned by the consent of Congress. the object. We should be blind to the experien- Without enumerating them all, it may be instructive ces of the past if we did not see abundant evidences to refer to them, as illustrative of the mode of improvbe found strong enough to control legislation, absorb | can be no doubt.

into hopeless indebtedness. on the ocean or on our lake shores; on the margin of making the same more navigable." which may exist a commercial city or town engaged | On the 2d of February, 1798, the State of Massa-

to draw commerce to it, or to enable individuals to gerous.' be the Mississippi, or it may be the smallest and most

Such a system is subject, moreover, to be perverted and which immediately preceded the veto of President Jackson of the Maysville road bill, instances were lar localities, the promise of large disbursements of from Pocahontas bridge to Broadway.

public money. Numerous reconnoissances and surveys were made during that period for roads and canals through many parts of the Union; and the peo- the purpose of opening an inlet at the lower end of During the four succeeding years embraced by the places where the canals may be cut " and rivers lying within the limits and jurisdiction of ple in the vicinity of each were led to believe that their property would be enhanced in value, and they themselves be enriched, by the large expenditures branches:" and in November, 1828, an amendatory direction and authority of the general government, as which, they were promised by the advocates of the law was passed. system, should be made from the federal treasury in try were thus sought to be influenced, and the sys-The circumstances under which this heavy expendi- tem was fast becoming one not only of profuse and

wasteful expenditure, but a potent political engine. If the power to improve a harbor be admitted, it is not easy to perceive how the power to deepen every be admitted, it is not easy to perceive how the power other obstructions" to the navigation. to improve them to their fountain head, and make The practical effect of this bill, had it become a law, Has Congress the power, when an inlet is deep enough bor-master and health officer of the ports of Savanto admit a schooner, to deepen it still more, so that it | nah and St. Mary's. will admit ships of heavy burthen ! and has it not the In April, 1783, the State of Maryland passed a law that administration, many other appropriations of a effectually as if in terms it had required the Secretadeep enough to admit a schooner ! May it improve | ment of the "basin" and "harbor" of Baltimore and harbors and canals, and objects claiming the aid of rivers deep enough already to float ships and steam- the "river Patapsco." over the soil of a State, consisting of rocks and sand- timore. sion sufficient to swallow up the revenues not only of

at this moment, confidence at home and abroad, in sideration of which my mind is capable, I cannot perthe wisdom and prudence of the government, would ceive any intermediate grounds. The power to im- sent" to these and other State laws, the first of which the State governments. Probably no instance ocbe so far impaired as to make it difficult, without an prove harbors and rivers for purposes of navigation, is dated in 1843. By the latter curred in which such an application was made; and immediate resort to heavy taxation, to maintain the by deepening or clearing out, by dams and sluices, by act, the "consent" of Congress was given to the law the flood-gates being thus hoisted, the principle laid public credit, and to preserve the honor of the nation locking or canaling, must be admitted without any of the legislature of the State of Maryland, laying a down by him was disregarded, and applications for and the glory of our arms, in prosecuting the existing other limitation than the discretion of Congress, or it tonnage duty on vessels for the improvement of the aid from the treasury virtually to make harbors as war to a successful conclusion. Had this bill become must be denied altogether. If it be admitted, how harbor of Baltimore, and continuing it in force until well as to improve them, clear out rivers, cut canals a law, it is easy to foresee that largely increased de- broad and how susceptible of enormous abuses is the the 1st day of June, 1850. I transmit herewith co- and construct roads, poured into Congress in torrents, mands upon the treasury would have been made at power thus vested in the general government? There pies of such of the legislatures of the until arrested by the veto of President Jackson. His each succeeding session of Congress, for the improve- is not an inlet in the ocean or the lakes-not a river, States on the subject, and also the acts of Congress veto of the Maysville road bill was followed up by his ment of numerous other harbors, bays, inlets, and ri- creek, or streamlet within the States-which is not giving its "consent" thereto, as have been collated. refusal to sign the "act making appropriations for vers, of equal importance with those embraced by its brought for this purpose within the power and juris-

added to the necessary amount of the war debt, the Speculation, disguised under the cloak of public annual interest on which must also have been borrow. good, will call on Congress to deepen shallow inlets. ed, and finally a permanent national debt been fasten- that it may build up new cities on their shores, or to make streams navigable which nature has closed by The policy of embarking the federal government bars and rapids, that it may sell at a profit its lands in a general system of internal improvements had its upon their banks. To enrich a neighborhood by origin but little more than twenty years ago. In a spending within it the moneys of the nation, will be very few years the applications to Congress for appro- the aim and boast of those who prize their local inpriations in furtherance of such objects, exceeded two terests above the good of the nation; and millions hundred millions of dollars. In this alarming crisis, upon millions will be abstracted by tariffs and taxes President Jackson refused to approve and sign the from the earnings of the whole people, to foster specubills of similar character. His interposition put a Such a system could not be administered with any check upon the new policy of throwing the cost of lo- approach to equality among the several States and cal improvements upon the national treasury, preserv- sections of the Union. There is no equality among ed the revenues of the nation for their legitimate ob- them in the objects of expenditure, and, if the funds jects, by which he was enabled to extinguish the then were distributed according to the merits of those obexisting public debt, and to present to an admiring jects, some would be enriched at the expense of their world the unprecedented spectacle in modern times, neighbors. But a greater practical evil would be of a nation free from debt and advancing to greatness found in the art and industry by which apppropriawith unequalled strides, under a government which tions would be sought and obtained. The most artful was content to act within its appropriate sphere, in and industrious would be the most successful; the protecting the States and individuals in their own true interests of the country would be lost sight of in chosen career of improvement and of enterprise. Al- an annual scramble for the contents of the treasury; though the bill under consideration proposes no appro- and the member of Congress who could procure the priation for a road or canal, it is not easy to perceive largest appropriations to be expended in his disthe difference in principle or mischievous tendency trict, would claim the rewards of victory from his between appropriations for making roads and digging enriched constituents. The necessary consequence canals, and appropriations to deepen rivers and im- would be, sectional discontents and heartburnings, inprove harbors. All are alike within the limits and creased taxation, and a national debt, never to be ex-

debt which may fetter its energies and tax its indus- rested, even were there nothing to forbid it in the fundamental laws of our Union. This conclusion is The experience of several of the States, as well as fortified by the fact that the constitution itself indi-

In some of the States, systems of internal improve- nage." With the "consent" of Congress, such du- inequality and injustice will be avoided, and at the fertilize to the satisfaction of those local and specu- up a state of affairs disorderly and unnatural, the ten-

ports and exports, is enforced by all the arguments broadly asserted and exercised until 1825. Small ap- served to the States, who were to be aided by tonnage imports that were laid on the vessels and merchan-If the abuse of power has been so fatal in the States, which prove the necessity of submitting the regula- propriations were first made in 1820 and 1821 for duties levied and collected by themselves, with the dize of foreign nations, were all uniform throughout 2,500

ture of those embraced in this bill, how inexhaustible The State may lay tonnage duties for clearing har- pears to have been the commencement of harbor im- lapse of thirty-seven years, an act is passed providing ted States a power to levy a duty of five per cent. on we shall find them. Let the imagination run along bors, improving rivers and other purposes; but are provements by Congress, thirty-four years after the for the examination of certain obstructions at the all goods imported from foreign countries into the our coast, from the river St. Croix to the Rio Grande, restrained from abusing the power, because, before government went into operation under the present mouth of one or two harbors almost unknown. It is United States for the term of fifteen years. In 1783 and trace every river emptying into the Atlantic and such duties can take effect, the "consent" of Congress Gulf of Mexico to its source; let it coast along our must be obtained. Here is a safe provision for the passed making an appropriation of thirty thousand removal of those obstructions. The obstacles interlakes, and ascend all their tributaries; let it pass to improvement of harbors and rivers in the reserved dollars, and directing "surveys and estimates to be posed by President Monroe, after conceding the power years, was repeated, and more earnestly urged. In Oregon and explore all its bays, inlets, and streams; powers of the States, and in the aid they may derive made of the routes of such roads and canals" as the to appropriate, were soon swept away. Congress 1784 it was recommended to the States to authorize and then let it raise the curtain of the future, and from duties of tonnage levied with the consent of Con- President "may deem of national importance in a virtually assumed jurisdiction of the soil and waters Congress to prohibit, under certain modifications, the contemplate the extent of this republic, and the ob- gress. Its safeguards are, that both the State legis- commercial or military point of view, or necessary of the States, without their consent, for the purposes importation of goods from foreign powers into the jects of improvement it will embrace, as it advances latures and congress have to concur in the act of rais- for the transportation of the mails." This act evito its high destiny, and the mind will be startled at ing the funds; that they are in every instance to be dently looked to the adoption of a general system of millions were turned from the State governments to ration of the subject was resumed, and a proposition the immensity and danger of the power which the levied upon the commerce of those ports which are to internal improvements, to embrace roads and canals as Congress as the fountain whose golden streams were presented in a new form, with an address to the States profit by the proposed improvement; that no question | well as harbors and rivers, level their moun- explaining fully the principles on which a grant of Already our confederacy consists of twenty-nine of conflicting power or jurisdiction is involved; that 1824, an act was passed making appropriations for tains, and fill their valleys with canals. To what the power to regulate trade was deemed indispensa-States. Other States may at no distant period be ex- the expenditure being in the hands of those who are "deepening the channel leading into the harbor of consequences this assumption of power was rapidly ble. In 1786 a meeting took place at Annapolis, of pected to be formed on the west of our present settle- to pay the money and be immediately benefitted, will ments. We own an extensive country in Oregon, be more carefully managed and more productive of "repair Plymouth beach, in the State of Massachu- Jackson; and to what end it is again tending, is wit- and on their report the convention was formed at stretching many hundreds of miles from east to west, good than if the funds were drawn from the national and seven degrees of latitude from south to north. treasury, and disbursed by the officers of the general By the admission of Texas into our Union, we have government; that such a system will carry with it recently added many hundreds of miles to our sea no enlargement of federal power and patronage, and coast. In all this vast country, bordering on the At- leave the States to be the sole judges of their own lantic and Pacific, there are many thousands of bays, wants and interests, with only a conservative nega-

We have seen in our States that the interests of bors and rivers was commenced, or rather continued, that, if this system of expenditure is to be indulged ing harbors and rivers in the early periods of our in, combinations of individual and local interests will government, as to the constitutionality of which there

the revenues of the country, and plunge the country | In January, 1700, the State of Rhode Island passed a law levying a tonnage duty on vessels arriving in What is denominated a harbor by this system, does the port of Providence, "for the purpose of clearing cept to carry into effect the powers contained in the Providence, "for the purpose of clearing cept to carry into effect the powers contained in the not necessarily mean a bay, inlet, or arm of the sea and deepening the channel of Providence river, and

of shoal water is called a harbor; and appropriations for the improvement of the same, by "rendering the after it any consequences of that kind. All that Con-

build up a town or city on its margin, upon specula- On the 1st of April, 1805, the State of Pennsylva- sary to make them. For any act requiring legisla- defence, while left at liberty to purchase or seize them tion, and for their own private advantage. What is nia passed a law levying a tonnage duty on vessels, tive sanction or support, the State authority must be for roads, canals, and other improvements of immeadenominated a river, which may be improved, in the "to remove the obstructions to the navigation of the land if the proriver Delaware, below the city of Philadelphia."

On the 22d of February, 1826, the State of Virgin- believed to be utterly incompetent." to the accomplishment of the worst of political pur- in passed a law levying a tonnage duty on vessels, But it is impossible to conceive on what principle States." It was referred to a committee, and that improvement of harbors and rivers. poses. During the few years it was in full operation, "for improving the navigation of James river, from the power of appropriating public money when in the appears to have been the last of it. On a subsequent In relation to the regulation of commerce, the lan-Warwick to Rockett's landing."

passed a law levying a tonnage duty on vessels, "for which power is claimed. Albemarle Sound, near a place called Nag's Head, and administration of President Adams, the power not improving the navigation of said sound, with its only to appropriate money but to apply it, under the

their neighborhood. Whole sections of the coun- Carolina passed a law levying a tonnage duty, for the ercised. purpose of "building a marine hospital in the vicinity Among other acts assuming the power, was on of Charleston;" and on the 17th of December, 1846, passed on the 20th of May, 1826, entitled "An Act another law was passed by the Legislature of that for improving certain harbors and the navigation of State, for the maintenance of a marine hospitai."

inlet on the oceans or lakes, and make harbors where gia passed a law levying a tonnage duty on all ves- therein mentioned." By that act, large appropriathere are none, can be denied. If the power to clear | sels entering into the port of Savannah, for the pur- tions were made, which were to be "applied, under out or deepen the channel of rivers near their mouths pose of "clearing" the Savannah river of "wrecks and the direction of the President of the United States,"

boats, and has it no power to improve those which are On the 26th of December, 1791, the State of Mary- This was the first breach effected in the barrier power to make roads and canals, or improve rivers the rights of citizens and subjects, as well as by acts navigable only for flat-boats and barges! May the land passed a law levying a tonnage duty on vessels, which the universal opinion of the framers of the land passed a law levying a tonnage duty on vessels, which the universal opinion of the framers of the general government exercise power and jurisdiction for the improvement of the "harbor and port of Bal- constitution had for more than thirty years thrown in Among our early statesmen of the strict construction cing vessels, seamen, cargoes, and passengers. It

health officer for the port of Baltimore, and laying a Monroe between the right to appropriate money for

ing the power to both governments is illustrated by stock in the Louisville and Portland Canal Compaimprovement of the harbor of Baltimore. That im- and the navigation of certain rivers;" and, finally, commerce of that city; but if an appropriation be ver." In his objections to the last named, he says: made from the national treasury for the improvement "The desire to embark the federal government in the taxes levied on the commerce of Baltimore. The est degree, during the first session of the first Conother harbor and river improvements in the Union. ville and Lexington Turnpike Company passed the left as it was during the first third of a century, or berland road, and for harbors and light-houses, to the clares: case where the duty proposed to be levied by the State jects for works of a similar character, the expense of adoption of the constitution, we shall find that injuwas one of importance. The funds required for the have exceeded one hundred millions of dollars." improvement of harbors and rivers may be raised in ditures will be unequal and unjust. The money in the federal treasury is paid by a tax on the whole

harbor of Gloucester and the harbor of Squam, in the plied power, with the soil or jurisdiction of the States, within the same State. from being destroyed."

the public money to any other purposes or objects ex- possible to find any warrant.

ment," he gave up in 1822, and declared that-

demanded from Congress to deepen it; with a view passage in and out of said river less difficult and dan- gress could do under it, in the case of internal im- chasing lands within the States, without their con- ject of internal improvements. When our experiprovements, would be to appropriate the money neces- sent, even for the most essential purposes of national ence, observation, and reflection have convinced us prietors should refuse to sell it, the establishment of A proposition was made in the convention to pro- stitution. Its advocates have differed among them-On the 23 of January, 1804, the State of Virginia turnpikes and tolls, and the protection of the work vide for the appointment of a "Secretary of Domestic selves as to the source from which it is derived as an obscure and unimportant stream bearing the name of passed a law levying a tonnage duty on vessels, when finished, must be done by the State. To these Affairs," and make it his duty, among other things, incident. In the progress of the discussions upon this purposes the powers of the general government are "to attend to the opening of roads and navigation, subject, the power to regulate commerce seems now

treasury can be construed to extend to objects for occasion, a proposition was made to confer on Con- guage of the grant in the constitution is, "Congress On the Sth of December, 1824, the State of Virgin- which the constitution does not authorize Congress to gress the power to "provide for the cutting of canals shall have power to regulate commerce with foreign ia passed a law levying a tonnage duty on vessels, levy taxes or imposts to raise money. The power of when deemed necessary," which was rejected by the nations and among the several States, and with the vor, by holding out to the people interested in particu- "for improving the navigation of Appoint States to three. Among the Indian tribes." That "to regulate commerce" does raise money; and the true inquiry is, whether Con- reasons given for the rejection of this proposition, it not mean to make a road, or dig a canal, or clear out In November, 1821, the State of North Carolina gress has the right to levy taxes for the object over was urged that "the expense in such cases will fall a river, or deepen a harbor, would seem to be obvious

well to the construction of roads as to the improve-On the 21st of December, 1804, the State of South ment of harbors and rivers, was fully asserted and ex-

certain rivers and creeks, and for anthorizing sur-On the 10th of February, 1787, the State of Geor- veys to be made on certain bays, sounds and rivers to numerous improvements in ten of the States. This On the 12th of December, 1804, the State of Geor- act passed thirty-seven years after the organization them navigable to their sources can be denied. Where gia passed a law levying a tonnage duty on vessels, of the present government, contained the first approshall the exercise of power, if it be assumed, stop ! "to be applied to the payment of the fees of the har- priation ever made for the improvement of a naviganations and surveys in 1820. During the residue of Congress multiplied without number.

> an object, and the right to apply and expend it with-Congress have passed many acts giving its "con- out the embarrassment and delay of applications to That the power was constitutionally and rightful- building light-houses, light-boats, beacons and monuly exercised in these cases does not admit of a doubt. ments, placing buoys, improving harbors, and direct-The injustice and inequality resulting from conced- ing surveys;" "an act authorizing subscription for several of the acts enumerated. Take that for the my;" "an act for the improvement of certain harbors provement is paid for exclusively by a tax on the "an act to improve the navigation of the Wabash ri-

of the harbor of Boston, it must be paid in part out of works of internal improvement prevailed, in the highbenefit, and, in addition, contributes to the cost of all the part of the United States for stock in the Mays- er to Congress." to propose and Congress see fit to sanction. This pending before the committees, and in memorials to tween the States, was the only power granted. "consent" of Congress would never be refused in any Congress, presented, but not referred, different pro-

this mode, as was done in the earlier periods of the after the commencement of internal improvements by among those which had the most weight. Instead of in the federal treasury for such purposes, the expen- powerful and disinterested appeals to his country ap- eign powers were promoted at their expense. If one pear to have put down forever the assumption of pow- State imposed high duties on the goods and vessels er to make roads and cut canals, and to have checked of a foreign power, to countervail the regulations of the prevalent disposition to bring all rivers in any de- such power, the next adjoining States imposed lightgree navigable within the control of the general gov- er duties, to invite those articles into their ports, that

lar character. President Monroe yielded his approval to these mea- In the proceedings and debates of the general con-"as the national government is a government of limit- harbor, it may by its own laws protect its agents and least weight." ed powers, it has no right to expend money except in contractors from being driven from their work, even Such is a brief history of the origin, progress, and

waters where there is not only no such city or town, vessels, whether employed in the foreign or coasting a right to apply the public money to this or that pur-

but no commerce of any kind. By it, a bay or sheet | trade, which might enter into the Kennebunk river' pose. It has no incidental power, nor does it draw | magazines, dockyards, and other needful buildings." | and other bills of like character, he reversed the pre-

tion was made to enlarge the proposed power "for cutting canals" into a power "to grant charters of incorporation, when the interest of the United States might require, and the legislative provisions of the over that which may have been brought into existindividual States may be incompetent;" and the reason assigned by Mr. Madison for the proposed en- tion, and the industry and enterprise of individuals. largement of the power was, that it would "secure an easy communication between the States, which the free intercourse now to be opened seemed to call for. The political obstacles being removed, a removal of

the natural ones, as far as possible, ought to follow." were rejected, after deliberate discussion, not on the is no middle ground. If the power to regulate can be ground (as so much of that discussion as has been preserved indicates) that no direct grant was necessa- tate, then not only the bays and harbors, but the ry, but because it was deemed inexpedient to grant it roads and canals, and all the means of transporting at all. When it is considered that some of the mem- merchandize among the several States, are put at the bers of the convention, who afterwards participated disposition of Congress. This power to regulate comin the organization and administration of the govern- merce was construed and exercised immediately after ment, advocated and practised upon a very liberal construction of the constitution, grasping at many high powers as implied in its various provisions, not one of them, it is believed, at that day, claimed the eign nations it has been regulated by treaties, defining the way of the assumption of this power by Congress. | class, the opinion was universal, when the subject was bars in the beds of its rivers, and may it not excavate On the 28th of December, 1793, the State of Mary- The general mind of Congress and the country did first broached, that congress did not possess the pow-

President Jefferson, in his message to Congress in 1806, recommended an amendment to the constitution, with a view to apply an anticipated surplus in the treasury, "to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvements, as it may be thought proper to add to the constitutional enumeration of the federal powers;" and he adds: "I suppose an amendment to the constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the constitution, and to which it permits the public moneys to be applied." In 1825, he repeated, in his published letters, the opinion that no such power has been conferred upon Congress.

President Madison, in a message to the House of Representatives of the 31 March, 1817, assigning his objections to a bill entitled "An act to set apart and oledge certain funds for internal improvements," declares that "the power to regulate commerce among the several States cannot include a power to construct roads and canals, and to improve the navigation of water-courses, in order to facilitate, promote, and secure such commerce, without a latitude of construction departing from the ordinary import of the result is, that the commerce of Baltimore pays the full gress that I had the honor to meet in my present situ- terms, strengthened by the known inconveniences cost of the harbor improvement designed for its own ation. When the bill authorizing a subscription on which doubtless led to the grant of this remedial pow-

President Monroe, in a message to the House of The facts need but be stated to prove the inequality two houses, there had been reported by the committee Representatives of the 4th of May, 1822, containing and injustice which cannot but flow from the practice on internal improvements, bills containing appropria- bis objections to a bill entitled "An act for the preembodied in this bill. Either the subject should be tions for such objects, exclusive of those for the Curr- servation and repair of the Cumberland Road," de-

the practice of levying tonnage duties by the States amount of about one hundred and six millions of dol- "Commerce active in independent powers or comshould be abandoned altogether, and all harbor and lars. In this amount was infjuded authority to the munities is universal's regulated by duties and imriver improvements made under the authority of the Secretary of the Treasury to subscribe for the stock of posts. It was so regulated by the States before the United States, and by means of direct appropriatic's. different companies to a great extent, and the residue adoption of this constitution, equally in respect to In view not only of the constitutional difficulty, but was principally for the direct construction of roads by each other and to foreign powers. The goods and as a question of policy, I am clearly of opinion that the government. In addition to these projects, which vessels employed in the trade are the only subjects of the whole subject should be left to the States, aided by have been presented to the two houses under the sanc- regulation. It can act on none other. A power, such tonnage duties on vessels savigating their . 1- tion and recommendation of their respective commit- then, to impose such duties and imposts in regard to ters as their respective legislatures may think proper | tees on internal improvements, there were then still | foreign nations, and to prevent any on the trade be-

States, respectively, and the advantages anticipated Thus, within the brief period of less than ten years from the transfer of the power to Congress, were government, and thus avoid a resort to a strained con- the general government, the sum asked for from the acting as a nation in regard to foreign powers, the struction of the constitution, not warranted by its let- treasury for various projects amounted to more than States, individually, had commenced a system of reter. If direct appropriations be made of the money two hundred millions of dollars. President Jackson's straint on each other, whereby the interests of forage of this government was left open in the conces- policy in some of the States was soon counteracted by The constitution provides that "no State shall, without the consent of Congress, lay any duty of ton
The constitution provides that "no State shall, without the consent of Congress, lay any duty of ton
The constitution provides that "no State shall, without the consent of Congress, lay any duty of ton
The constitution provides that "no State shall, without the consent of Congress, lay any duty of ton
The constitution provides that "no State shall, without the consent of Congress, lay any duty of ton
The constitution provides that "no State shall, without the consent of Congress, lay any duty of ton
The constitution provides that "no State shall, without the consent of Congress, lay any duty of ton
The constitution provides that "no State shall, without the consent of Congress, lay any duty of ton
The constitution provides that "no State shall, without the consent of Congress, lay any duty of ton
The constitution provides that "no State shall, without the consent of Congress, lay any duty of the early and approved construction of the states was soon counteracted by age of this government was left open in the conces
The constitution provides that "no State shall, without the consent of Congress, lay and approved construction of the early and approved construction of the states was soon counteracted by age of this government was left open in the conces
The constitution provides that "no State shall, without the consent of Congress to improve the west and south, but in the conces
The constitution provides that "no State shall, without the consent of Congress, lay and thus had grown the consent of the west and south, but in the conces
The constitution provides that "no State shall, with the consent of the west and south provides the consent of the west and south provides the consent of the consent of the west and south provides the consent of the consent of

pernicious policy. The States were brought together zation of the government in 1789, when a more latit- hands of the general government. The power to im- other. The regulations that were adopted regarded authorizing the President to cause an "examination ments were carried on under that system; and so States themselves, no duties of any kind were imand survey to be made of the obstructions between the careful was Congress not to interfere, under any im- posed other than between different ports and counties 1,000

State of Massachusetts," and of "the entrance of the that they did not even assume the power to erect "This view is supported by a series of measures, reasonable check against the abuse of this discre- with a view to their removal, and a small appropriation the ground, with the consent of the States, and ob- the constitution. As early as the year 1781, Conwas made to pay the necessary expenses. This ap- taining jurisdiction over it. At length, after the gress recommended it to the States to vest in the Uniconstitution. On the 30th April, 1824, the act was followed by acts making small appropriations for the this recommendation, with alterations as to the kind Presqu'isle, in the State of Pennsylvania," and to leading, is shown by the veto messages of President delegates from several of the States on this subject, setts, and thereby prevent the harbor at that place pessed by the provisions of this bill and bills of simi- Philadelphia the ensuing year from all the States, to whose deliberations we are indebted for the present

sures, though he entertained, and had, in a message vention which formed the constitution, and of the "In none of these measures was the subject of into the House of Representatives on the 4th of May, State conventions which adopted it, nothing is found ternal improvement mentioned, or even glanced at. 1822, expressed the opinion that the constitution had to countenance the idea that the one intended to pro- Those of 1784, '5 '6 and 7, leading step by step to not conferred upon Congress the power to "adopt and pose, or the others to concede, such a grant of power the adoption of the constitution, had in view only execute a system of internal improvements." He to the general government as the building up and the obtaining of a power to enable Congress to regu-Under this wise system, the improvement of har- placed his approval upon the ground, not that Con- maintaining of a system of internal improvements late trade with foreign powers. It is manifest that gress possessed the power to "adopt and execute" within the States necessarily implies. Whatever the the regulation of trade with the several States was such a system by virtue of any or all of the enumera- general government may constitutionally create, it altogether a secondary object, suggested by and adoptted grants of power in the constitution, but upon the may lawfully protect. If it may make a road upon ed in connexion with the other. If the power necesassumption that the power to make appropriations of the soil of the States, it may protect it from destruct sary to this system of improvement is included under the public money was limited and restrained only by tion or injury by penal laws. So of canals, rivers, either branch of this grant, I should suppose that it the discretion of Congress. In coming to this con- and harbors. If it may put a dam in a river, it may was the first rather than the second. The pretension clusion, he avowed that "in the more early stage of protect that dam from removal or injury, in direct to it, however, under that branch, has never been set the government" he had entertained a different opin- opposition to the laws, authorities, and people of the up. In support of the claim under the second, no ion. He avowed that his first opinion had been, that State in which it is situated. If it may deepen a reason has been assigned which appears to have the

> the performance of acts authorized by the other speci- by the laws and authorities of the State. The power consequences of a system which for more than thirty DY, Marion; IRA BAYLEY, Freeport; H. FIERSON, Green fie grants, according to a strict construction of their powers;" and that the power to make appropriations gave to Congress no discretionary authority to apply and a jurisdiction over it, for which it would be imfrom the early construction, and the precedents which other grants." These sound views, which Mr. Mon- to the general government any right of jurisdiction President Jackson, in his veto of the Wabash river roe entertained "in the early stage of the govern- over their soil; and in the constitution restricted the, bill, declares that "to inherent embarrassments have exclusive legislation of Congress to such places as been added others from the course of our legislation bate court within ten months from the date hereof, or they will not "The right of appropriation is nothing more than might be "purchased with the consent of the States in concerning it." In his vetoes on the Maysville road be entitled to payment.

that a legislative precedent is either unwise or un-

No express grant of this power is found in the conand the facilitating communications through the U. to be chiefly relied upon, especially in reference to the

on the United States, and the benefits accrue to the to the common understanding, To "regulate" admits or affirms the pre-existence of the thing to be During the consideration of this proposition, a mo- regulated. In this case, it pre-supposes the existence of commerce, and of course, the means by which, and the channels through which, commerce is carried on. It confers no creative power; it only ass mes control ence through other agencies-such as State legisla-If the definition of the word "regulate" is to in-

clude the provision of means to carry on commerce, then have Congress not only the power to deepen harbors, clear out rivers, dig canals, and make roads, but also to build ships, railroad cars, and other vehi-The original proposition and all the amendments | cles, all of which are necessary to commerce. There legitimately construed into a power to create or facilithe adoption of the constitution, and has been exercised to the present day, by prescribing general rules by which commerce should be conducted. With forhas been regulated among the States by acts of Congress relating to the coasting trade and the vessels employed therein, and for the better security of passengers in vessels propelled by steam, and by the removal of all restrictions upon the internal trade. It has been regulated with the Indian tribes by our intercourse laws, prescribing the manner in which it shall be carried on.

Thus each branch of this grant of power was exercised soon after the adoption of the constitution and has continued to be exercised to the present day. If a more extended construction be adopted, it is impossible for the human mind to fix on a limit to the exercise of the power, other than the will and discretion of Congrees. It sweeps into the vortex of national power and jurisdiction not only harbors and inlets, rivers and little streams, but canals, turnpikes, and railroads-every species of improvement which can facilitate or create trade and intercourse with foreign nations, among the several States, and with the Indi-

Should any great object of improvement exist in our widely-extended country which cannot be effected by means of tonnage duties, levied by the States, with the concurrence of Congress, it is safer and wiser to apply to the States, in the mode prescribed by the constitution, for an amendment of that instrument, whereby the powers of the general government may be enlarged, with such limitations and restrictions as experience has shown to be proper, than to assome and exercise a power which has not been granted, or which may be regarded as doubtful in the opinon of a large portion of our constituents. This course has been recommended successively by Presidents Jefferson, Madison, Monroe, and Jackson; and I fully concur with them in opinion. If an enlargement power should be deemed proper, it will unquestionably be granted by the States; if otherwise, it will be withheld; and, in either case, their decision should be final. In the meantime, I deem it proper to add that the investigation of this subject has impressed me more strongly than ever, with the solemn conviction that the usefulness and permanency of this government, and the happiness of the millions over whom it spreads its protection, will be best promoted by carefully abstaining from the exercise of all powers not clearly granted by the constitution.

JAMES K. POLK. Washington, December 15, 1847.

BRAGG'S INDIAN QUEEN VEGETA-BLE SUGAR COATED PILLS,

The Great Popular Medicine Of the day---Vast amount used per month---The numerous and Wonderful Cures it effects--- Its Magical Effect upon Bilious Fevers, and Fever and Ague--- Great Excitement among the Doctors!

HE INDIAN QUEEN VEGETABLE SUGAR COATED PILLS are upon Bilious and Typhus Fevers, Chills and Fever, and Fever and produce. In this lies the great secret of their success. They are mild and pleasant in their action, but searching and permanent in ply of vitality and nervous power into all the machinery of his The extensive popularity they have acquired all over the west and

50,000 Boxes per Month, And we find it difficult, with our large force of hands, and the late improvements in machinery which we have adopted, to manufacture them fast enough to supply the demand in thirteen western and southern States! One large manufactory is constantly engaged in preparing the various concentrated extracts of which they are composed. From the best information we can obtain from all parts of the country, our medicine cures, per month, not less than 10,000 cases of Fever and Ague, one thousand of which have

lo of weakness and general debility; of various chronic diseases :

do of Female complaints; 1.500 do of Liver Complaint 500 do of Scarlet Fever ;

00 do of Typhus Fever; 300 do of Putrid Sore Throat This must appear almost incredible, but the numerous letters from physicians, agents, and those who use the medicine, from all he western and southern States, satisfy us that this is a moderate stimate, and that our medicine is rapidly taking the place of the on the public by manufacturers who live, nobody knows where eculiarly adapted to the quick and permanent cure of Fever and Ague, torpor of the Liver, and general debility. It is in Fever and Ague, Chill Fever, &c., that they achieve their greatest triumphs trarely requires over twelve hours; or more than half a box of the tonic pd s, to break the chi lls and effect a permanent cure-

the tonic pills will never forsake them. Who can wonder, then, that a medicine of such extensive popu larity, and extraordinary virtues should cause Great excitement among the Doctors! The prejudices of physicians against their use are at last giving way to the play of reason, and the convictions of every-day

which is rarely the case with the tonic mixtures of quinine, hawked about the country by ignerant pretenders. Those who take

experience which they derive from their patients and friends wh Doctors are now almost every day sending orders from every art of the country for a supply of these pills to use in their prac-Here is one all the way from the State of Mississippi, just received. Let doctors and the sick look to it, and hasten to procure a

supply of this wonderful Tonic : BEACH GROVE, TIPPAR Co., MISS., To Dr. Brugg, St. Louis, Missouri : Pilis, and therefore pray you to send me another supply immediately, as there is much fever and ague within the bounds of my

practice, and I hardly know how to satisfy and cure my patient, I have thoroughly tested your Tonic Pills in my practice through myself at a great loss to get along without them. I consider them a great blewing to the people of the west and south, and I am sat-

ted that they are important in the cure of more diseases than you ecommend them for. Don't fail to forward ma a supply by mail, as quickly as possi te, directed as above. Very respectfully, yours, in Proposale, wholesale and retail by S. J. WADE and TOM. LINSON BROTHERS, Indianapolis H. E. GREEN, Blowns. ourg ; JOHN W. VAUGHAN, Pattsborough ; CAVE J. CAR TER, Jamestown; B. SWEENEY, Rockon; DAVID WOOD

FORD, Thorntown; LANE & SION, Latanon; PITZER & WELSH, Eagle Village; GRAFTON JOHNSON, Greenwood; MANWARING & ADAMS, Franklin; N. D. ROBINS, Edin. State of Indiana, Marion county.

A T the December term of the Marion circuit court, A. D., 1847, said court declared the estate of Obadiah Campton, deceased, to be probably insolvent. Creditors are therefore required to file their claims against the estate for allowance in the said pro-